

FCC PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		<b>38163-0194US03</b>		
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE		U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	
PCT/US03/030032	26 September 2003 (26.09.2003)		10/529,401	
TITLE OF INVENTION		<b>METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS</b>		
APPLICANT(S) FOR DO/EO/US				
Christy L. LUDLOW, Eric MANN, Theresa BURNETT, and Steven BIELAMOWICZ				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> had been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>				
<b>Items 11 to 20. below concern document(s) or information included:</b>				
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 35 U.S.C.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4)</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: copy of Notice (dated 8/1/05); Supplemental Response to Missing Requirements (mailed 8/1/05); Supplemental Application Data Sheet</li> </ol>				

21.  The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)):**

Basic National Stage Fee .....	\$300.00
National Stage Search Fee .....	\$500.00
National Stage Examination Fee.....	\$500.00

**CALCULATIONS PTO USE ONLY****ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than  
months from the earliest claimed priority date (37 CFR 1.492(e)).

 20  30

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =		x \$50.00	\$
Independent claims	- 3 =		x \$200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	

**TOTAL OF ABOVE CALCULATIONS =**

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by ½.

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later than  
months from the earliest claimed priority date (37 CFR 1.492(f)).

 20  30

+

**TOTAL NATIONAL FEE =**

Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED =**\$ 1,590.00 (w/4  
month EOT)Amount to be  
refunded: \$

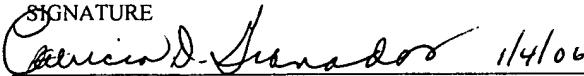
charged: \$

- a.  A check in the amount of \$1,590.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment  
To Deposit Account No. 08-1641 A duplicate coy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**HELLER EHRLMAN LLP**  
**1717 Rhode Island Avenue, N.W.**  
**Washington, DC 20036**  
**Phone: (202) 912-2000**  
**Fax: (202) 912-2020**  
**Customer No. 26633**

**SIGNATURE**  

1/4/06

**NAME** \_\_\_\_\_ **Date** \_\_\_\_\_

**Patricia D. Granados**

**REGISTRATION NUMBER**

**33,683**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional) 38163-0194US03
In re Application of Christy L. LUDLOW et al.		
Application Number 10/529,401 Filed March 28, 2005		
For Methods and Devices for Intramuscular Stimulation of Upper Airway and Swallowing Muscle Groups		
Group Art Unit Unassigned	Examiner Unassigned	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows  
(check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ <u>1,590</u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.	
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.	
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.	
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.	
<input type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>08-1641</u> .	

I have enclosed a duplicate copy of this sheet.

I am the  applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).  
 attorney or agent of record.  
 attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). \_\_\_\_\_.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

January 4, 2006  
Date

Patricia D. Granados

Signature

Patricia D. Granados, Reg. No. 33,683  
Customer No. 26633

Typed or printed name

01/06/2006 LLANDGWA 00000037 10529401

01 FC:1254

1590.00 OP

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

# COMBINED FEE TRANSMITTAL for FY 2005

*Effective 12/08/2004. Patent fees are subject to annual revision.*

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)  
**1,590.00**

*Complete if Known*

Application Number	10/529,401
Filing Date	March 28, 2005
First Named Inventor	Christy L. LUDLOW et al.
Examiner Name	Unassigned
Art Unit	Unassigned
Attorney Docket No.	38163-0019US3

## METHOD OF PAYMENT (check one)

<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input type="checkbox"/> Deposit Account				

Deposit Account Number: **08-1641**

Deposit Account Name: **Heller Ehrman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below
- Credit any overpayments and charge any deficiencies
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION (continued)

<b>4. PETITION FEES UNDER 37 CFR 1.17 (f)</b> Fee Code: 1462 Fee \$ 400 For petitions filed under: § 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)	<b>Fee Paid</b>
<b>5. PETITION FEES UNDER 37 CFR 1.17 (g)</b> Fee Code: 1463 Fee \$ 200 For petitions filed under: § 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25	<b>Fee Paid</b>
<b>6. PETITION FEES UNDER 37 CFR 1.17 (h)</b> Fee Code: 1464 Fee \$ 130 For petitions filed under: § 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314	<b>Fee Paid</b>
<b>7. PROCESSING FEES UNDER 37 CFR 1.17 (i)</b> Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under: § 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81	<b>Fee Paid</b>

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES						
Application Type	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)	130	65	Surcharge - late filing fee or oath	
								50	25	Surcharge - late provisional filing fee or cover sheet	
								130	130	Non-English specification	
Utility	300	150	500	250	200	100		2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
Design	200	100	100	50	135	65		920*	920*	Requesting publication of SIR prior to Examiner action	
Plant	200	100	300	150	160	80		1,840*	1,840*	Requesting publication of SIR after Examiner action	
Reissue	300	150	500	250	600	300		120	60	Extension for reply within first month	
Provisional	200	100	0	0	0	0		450	225	Extension for reply within second month	
	<b>SUBTOTAL (1)</b>		\$					1,020	510	Extension for reply within third month	
								1,590	795	Extension for reply within fourth month	
										1,590	

### 2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description									
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent			500	250	Filing a brief in support of an appeal				
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent			790	395	Filing a submission after final rejection (37 CFR 1.129(a))				
360	180	Multiple dependent claim, if not already paid			1,510	1,510	Petition to institute a public use proceeding				
	<b>Extra Claims</b>		<b>Fee from above</b>		<b>Fee Paid</b>			500	250	Petition to revive - unavoidably abandoned application	
Total Claims		-20** =		x 50 =				1,500	750	Petition to revive - unintentionally abandoned application	
Independent Claims		-3** =	4	x				50	50	Processing fee for provisional appls (37 CFR 1.17(q))	
<i>**or number previously paid, if greater; For Reissues see below</i>											
Multiple Dependent					=			180	180	Submission of Information Disclosure Statement	
	<b>SUBTOTAL (2)</b>		\$					1,000	500	Request for oral hearing	
								790	395	For each additional invention to be examined (37 CFR 1.129(b))	
								790	395	Request for Continued Examination (RCE)	
								900	900	Request for expedited examination of a design application	
								Other fee (specify)			
								<b>SUBTOTAL (4+5+6+7+8)</b>		\$ 1,590.00	

\* Reduced by Basic Filing Fee Paid

SUBMITTED BY					Complete (if applicable)		
Name (Print/Type)	Patricia D. Granados			Registration No. (Attorney/Agent)	33,683		Telephone
Signature	<i>Patricia D. Granados</i>			Date	Jan 4 2006		Customer No.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Christy L. LUDLOW et al. Confirmation No.: 6746  
Appl. No.: 10/529,401 Group Art Unit: Unassigned  
Filing Date: March 28, 2005 Examiner: Unassigned  
Title: METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF  
UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS

**SUPPLEMENTAL RESPONSE TO NOTIFICATION  
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Missing Requirements mailed August 1, 2005, in the above-captioned application. Applicants submitted an initial response on September 30, 2005, providing the Patent Office with an Associate Power of Attorney. Applicants submit herewith the required Declaration and Power of Attorney. Applicants also submit a request for a four (4) month extension of time.

The required \$130.00 filing fee under 37 CFR 1.492(e) was provided with the initial filing on September 30, 2005.

Applicants believe the appropriate fees are attached, however, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Date: Jan 4, 2006

HELLER EHRLICH LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036  
Phone: 202-912-2000  
Fax: 202-912-2020

Patricia D. Granados

Patricia D. Granados  
Reg. No. 33,683  
Attorney for Applicant  
Customer No. 26633

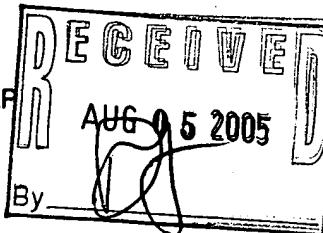


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/529,401	Christy L Ludlow	38163-0194US03

26633  
 HELLER EHRMAN WHITE & MCAULIFFE LLP  
 1717 RHODE ISLAND AVE, NW  
 WASHINGTON, DC 20036-3001



INTERNATIONAL APPLICATION NO.
PCT/US03/30032

I.A. FILING DATE	PRIORITY DATE
09/26/2003	09/27/2002

CONFIRMATION NO. 6746  
 371 FORMALITIES LETTER



\*OC00000016661101\*

Date Mailed: 08/01/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/28/2005
- Copy of the International Search Report filed on 03/28/2005
- Preliminary Amendments filed on 03/28/2005
- Information Disclosure Statements filed on 03/28/2005
- U.S. Basic National Fees filed on 03/28/2005
- Substitute Specification filed on 03/28/2005
- Priority Documents filed on 03/28/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130 for a Large Entity**.

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,401	PCT/US03/30032	38163-0194US03

FORM PCT/DO/EO/905 (371 Formalities Notice)